

REMARKS

By this amendment, claims 2-6, 9-13, 16-18, 20 and 21 remain canceled. Claims 1, 8, 15 and 19 have been amended. Claims 1, 8, 15 and 19 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, is respectfully requested.

Objection to the Specification

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. In particular, "computer readable medium" is not clearly defined. Applicant notes the objection to the specification and in response thereto has amended to specification as indicated herein to include "(i.e., a non-transitory, computer readable medium)" at the end of the paragraph on page 6, lines 10-24. Accordingly, the objection of the specification is now believed overcome. Withdrawal of the objection is respectfully requested.

Objection to the Claims

Claims 1, 8, 15 and 19 stand objected to because of informalities. Applicant notes the objection to the claims and in response thereto has amended to respective claims as indicated herein to include "... improves the scalability ...". Accordingly, the objection of the claims is now believed overcome. Withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. §101

Claims 1, 8, 15 and 19 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. With respect to claims 1, 8, 15 and 19, this rejection is respectfully traversed for at least the following reasons.

With respect to claim 1, the same has been amended to include *inter alia*

“providing, via a broadcast network”; “deriving, via a network-enabled consumer electronic apparatus”; and “enabling, via the network-enabled consumer electronic apparatus.” Support for the amendments to claim 1 can be found in the specification, at least on page 4, lines 29-34; and FIG. 1. Thus, as now more clearly presented, claim 1 is directed to statutory subject matter

With respect to claim 8, the same has been amended to include *inter alia* “providing, via a broadcast network”; “deriving, via a network-enabled consumer electronic apparatus”; and “linking, via the network-enabled consumer electronic apparatus and the peer-to-peer network.” Support for the amendments to claim 8 can be found in the specification, at least on page 4, lines 29-34; and FIG. 1. Thus, as now more clearly presented, claim 8 is directed to statutory subject matter

With respect to claim 15, the same has been amended to include *inter alia* “means for providing” corresponding to the broadcast network; “means for deriving” corresponding to a network-enabled consumer electronic apparatus; and “means for linking” corresponding to the network-enabled consumer electronic apparatus and the peer-to-peer network. Support for the amendments to claim 15 can be found in the specification, at least on page 4, lines 29-34; and FIG. 1. Thus, as now more clearly presented, claim 15 is directed to statutory subject matter

With respect to claim 19, the same has been amended to more clearly recite a “non-transitory *computer-readable medium*”. Support for the amendments to claim 19 can be found in the specification at least on page 6, lines 10-24, as amended herein. Thus, as now more clearly presented, claim 19 is directed to statutory subject matter.

Accordingly, the rejection of claims 1, 8, 15 and 19 is now believed overcome. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Claim 1 clearly articulates that the specific *broadcast driven* group of peers among multiple groups of peers on a peer-to-peer network enables peers to connect

and interact via a broadcast driven virtual private network connection formed within the P2P network within the context of the broadcast via a CRID that is resolved into a peer group ID. (See, for example, the present specification on page 4, lines 17-18). In addition, claim 1 now more clearly articulates enabling (i) a broadcast driven virtual private network connection (i.e., linking via a broadcast driven virtual private network connection *within the context of the content broadcast*) within the peer-to-peer network (ii) to the specific broadcast driven group of peers (using the specific CRID which was resolved into the peer group ID) (iii) within a context of the content broadcast (iv) to form a “corresponding broadcast driven virtual private network that improves the scalability of the virtual private network connection of the *specific* broadcast driven group of peers *within the peer-to-peer network* (v) by routing messages of the broadcast driven group of peers only through members of that group and not to all peers of the *multiple groups of peers on the peer-to-peer network*.” (See, for example, the present specification on page 2, lines 22-23).

Claims 1, 8, 15 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. US 2003/0237097 A1 to *Marshall et al.* (“**Marshall**”) in view of U.S. Patent No. US 7,552,460 B2 to *Goldman, Phillip Y.*, (“**Goldman**”) and further in view of U.S. Patent Publication No. 2003/0120634 A1 to *Koike et al.* (“**Koike**”). With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that the **Marshall**, **Goldman** and **Koike** references are defective in establishing a *prima facie* case of obviousness.

Independent claim 1, as now presented, more clearly recites, inter alia, the specific feature limitation of “responsive to [a] *specific identifier* being derived *[at an end-user site and resolved into a peer group ID]*, enabling, via the network-enabled consumer electronic apparatus, at the end-user site (i) a broadcast driven virtual private network connection within the peer-to-peer network (ii) to the specific broadcast driven

group of peers (*iii*) within a context of the content broadcast (*iv*) to form a *corresponding broadcast driven virtual private network* that improves the scalability of the virtual private network connection of the specific broadcast driven group of peers within the peer-to-peer network (*v*) by routing messages of the broadcast driven group of peers *only* through members of that group and *not to all* peers of the *multiple groups of peers on the peer-to-peer network*" (emphasis added). Support for the amendments to claim 1 (as well as for claims 8, 15 and 19) can be found in the specification at least on page 2, lines 22-23; and page 4, lines 3 and 17-18.

Applicant submits that neither Marshall, Goldman nor Koike discloses at least the aforementioned feature of independent claim 1. In addition, it is submitted that the citations to **Marshall, Goldman** and **Koike** do not disclose at least the claimed *broadcast driven virtual private network connection* within the peer-to-peer network to the specific broadcast driven group of peers and a *corresponding broadcast driven virtual private network* that improves the scalability of the virtual private network connection of the specific broadcast driven group of peers within the peer-to-peer network by routing messages of the broadcast driven group of peers *only* through members of that group and *not to all* peers of the *multiple groups of peers on the peer-to-peer network*. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Marshall, Goldman** and **Koike** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action contends that **Marshall, Goldman** and **Koike** in combination disclose "**responsive to the specific identifier being derived, enabling at the end-user site a virtual network connection to the specific broadcast driven group of peers via the peer-to-peer network within a context of the content broadcast to form a virtual private network that improves a scalability by routing messages only through members of that group and not to all peers on a network** (*Marshall discloses of a peer user using the PVR to browse or search for the specific content or*

other peers, combined with *Goldman's* teachings of browsing through the EPG for specific or requested identifiers (which can be the TV-anytime CRIDs from *Koike*), linking to groups of peers or buddies with similar interests. Once found, the user can join and be a part of that group or at least be associated with that group, e.g., *Goldman*, Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40)." (Office Action, page 8). This contention is respectfully traversed, in view of the present amendments to claim 1.

As amended herein, independent claim 1 now more clearly recites "responsive to [a] *specific identifier* being derived [*at an end-user site and resolved into a peer group ID*], enabling, via the network-enabled consumer electronic apparatus, at the end-user site (*i*) a *broadcast driven virtual private network connection* within the peer-to-peer network (*ii*) to the specific broadcast driven group of peers (*iii*) within a context of the content broadcast (*iv*) to form a *corresponding broadcast driven virtual private network* that improves the scalability of the virtual private network connection of the specific broadcast driven group of peers within the peer-to-peer network (*v*) by routing messages of the broadcast driven group of peers *only* through members of that group and *not* to all peers of the *multiple groups of peers* on the *peer-to-peer network*" (emphasis added).

It is respectfully submitted that the "*broadcast driven virtual private network connection* to the specific broadcast driven group of peers" and the "*broadcast driven virtual private network* that improves the scalability of the virtual private network connection of the specific broadcast driven group of peers within the peer-to-peer network by routing messages of the broadcast driven group of peers *only* through members of that group and *not* to all peers of the *multiple groups of peers* on the *peer-to-peer network*" as recited in claim 1 does not read on the associated networks of **Marshall, Goldman and Koike**. Thus, **Marshall, Goldman and Koike** cannot be interpreted to disclose the aforementioned feature of independent claim 1, nor do they add anything that would remedy the aforementioned deficiency indicated herein above.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103 are respectfully requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claims 8, 15 and 19 have been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claims 8, 15 and 19 are believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the Specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

The matters identified in the Office Action of March 4, 2011 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1, 8, 15 and 19 is requested.

Respectfully submitted,

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